

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Amendment of Section 73.622(i),
Final DTV Table of Allotments,
Television Broadcast Stations.
(Glendive, Montana)

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MB Docket No. 08-113
RM-11446

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: November 13, 2008

Released: November 17, 2008

By the Chief, Video Division, Media Bureau:

1. The Commission has before it a Notice of Proposed Rulemaking¹ issued in response to a petition for rulemaking filed by Glendive Broadcasting Corp. ("Glendive"), the licensee of KXGN-TV, analog channel 5, and permittee of station KXGN-DT, DTV channel 10, Glendive, Montana, requesting the substitution of DTV channel 5 for channel 10 at Glendive. Glendive filed comments. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel 5 for DTV channel 10. Glendive has not been able to build and operate its maximized DTV facility on channel 10 given the station's financial hardship,² but believes that it will be able to successfully transition to digital if it is able to flash-cut on its current analog channel, channel 5, utilizing some of its existing equipment. Its proposed facility on DTV channel 5 will fully replicate its current analog service area.

3. DTV channel 5 can be substituted for DTV channel 10 at Glendive, Montana as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules, at coordinates 47-02-39 N. and 104-40-52.5 W. The proposed facility is within the Canadian coordination zone, and concurrence for this allotment has been obtained from the Canadian government. In addition, we find that this channel change meets the technical requirements set forth in Sections 73.616 and 73.623 of the Commission's rules with the following specifications:

City and State	DTV Channel	DTV Power (kW)	Antenna HAAT (meters)	DTV Service Pop. (thous.)
Glendive, Montana	5	1.0	152.4	14

¹ *Glendive, Montana*, DA 08-1495 (released July 22, 2008).

² KXGN-TV is the only station located in the Glendive, Montana DMA, which is ranked by Nielsen Media Research as market 210 out of 210. According to Glendive, the station, along with a network of television translator stations, reaches approximately 10,000 television households. Glendive has obtained extensions of its DTV construction deadlines based on financial hardship. See, e.g., *DTV Build-Out; Applications Requesting Extension of the Digital Television Construction Deadline*, Order, 22 FCC Rcd 9789, 9801 (2007).

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective 30 days after the date of publication of this Report and Order in the Federal Register, the DTV Table of Allotments, Section 73.622(i) of the Commission's rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>
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Glendive, Montana	5
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5. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Glendive Broadcasting Corp. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 5 in lieu of DTV channel 10.

6. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning the proceeding listed above, contact Joyce L. Bernstein, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau